

NY Elected Officials and Advocates Demand Immediate Action to Rid NYC Schools of Dangerous PCBs

Thursday, 07 October 2010

NEW YORK, N.Y. - Today, New York City Congressmembers Jerrold Nadler, Jose Serrano, Joseph Crowley, Carolyn Maloney and Ed Towns, with Manhattan Assemblywoman Linda Rosenthal, New York Communities for Change, New York Lawyers for the Public Interest, United Federation of Teachers, SEIU 32BJ, and Laborers Local 78, announced an action plan to immediately address the city's growing problem of dangerous polychlorinated biphenyls (PCBs) in our public schools. They also released two letters directed at the Environmental Protection Agency (EPA) and City authorities responsible for the study and remediation of the PCBs. Included is a letter to the EPA signed by all 13 members of New York City's House Delegation.

Currently, thousands of public school children in New York City are exposed to PCBs - noxious chemicals which can cause cancer and affect immune, reproductive, nervous and endocrine systems - which were once commonly used in the construction of public schools, particularly in pre-1978 light ballasts, ventilation systems and caulk. The New York City Department of Education, through the intervention and advocacy of the above elected officials, parents and community groups, began to identify and study the problem two years ago. Now, however, it is clear that the EPA, which has the appropriate mandate, scientific expertise and experience, must expand its oversight and technical role in order to ensure that the chemicals are promptly and efficiently located and remediated from the schools. It is estimated that as many as 700 schools throughout the five boroughs could be affected.

"We have formed a strong and determined coalition of elected officials, parents and community members who are united to ensure that the problem of PCBs in our schools is addressed quickly and comprehensively," said Rep. Nadler. "We are calling on the EPA to step in immediately and conduct thorough and careful testing and, if necessary, intensive remediation of all affected facilities. With federal intervention now, we hope to avert what could become a serious public health issue for New York."

"It is so heartening to have a broad coalition take up the issue of PCBs in schools," said Rep. Serrano. "Everyone here today believes that there can be no compromising when it comes to the health and safety of our children. From the first time we heard about this potential contamination, we have been exploring ways to get it resolved. Today's group shows that there can be no more waiting around - the time is now to remedy this problem. Our children deserve no less."

"All of our schools must be PCB-free zones," said Rep. Crowley. "The classroom should be a place where our children absorb knowledge, not hazardous materials. It is time for the EPA to answer our calls and issue guidelines for city officials to identify and remediate PCBs in schools. Schoolchildren and their parents in New York, and around the country, deserve to know they are safe from these dangerous toxins."

"After working for years to safeguard P.S. 199 in my district and schools throughout the city, I suspect that PCB contamination is unfortunately widespread," said Assemblymember Rosenthal. "Thus far, the pilot study has proved that schools' light ballasts and fixtures leaked PCBs into the air. We have a moral obligation to expand testing and remediate other contaminated sites. Failure to act risks damaging our students' cardiovascular, endocrine, and immune systems, and can lead to ADHD and increased aggression."

"New York City public schoolchildren should only have to face academic challenges - not problems with the very air they breathe," said Rep. Maloney. "The results of the EPA's pilot tests of the air indicate that the potential for contamination is much more serious than anyone imagined. We must have the EPA expand its oversight over the management of PCBs in all city schools so that tests are conducted swiftly and any needed remediation is conducted effectively."

"Our children are our greatest resource," said Rep. Towns. "What good are we doing if, on the one hand we strive to equip their minds with the best education, while on the other hand neglect to safeguard their physical health? The environmental safety for our children in the public school system should never be in question. To that end, there is absolutely no compromise in making the physical safety and health of our children a top priority. I fully support the United States Environmental Protection Agency immediately expanding its oversight responsibilities."

"To ensure the highest quality of education, we need to make sure that our children are learning in a safe environment," said Rep. Yvette Clarke. "That means making sure that we monitor the polychlorinated biphenyls (PCBs) levels that may be in our schools and eliminate them. I want to thank my colleague Rep. Jerrold Nadler for taking the lead on this serious issue. As a Member of the House Education and Labor Committee, I will continue to work closely with my colleagues to see how the Environmental Protection Agency (EPA) can retain oversight of the PCBs levels in our schools."

"With all three schools tested for PCBs showing highly elevated levels of these dangerous chemicals, parents and teachers are right to express deep concern," said Public Advocate de Blasio. "With these preliminary results in hand, it is now imperative that DOE expand testing to all affected schools and present a timely plan to remove PCBs."

"More than two years ago, I joined parents and other elected officials in calling on the EPA to assume lead responsibility for comprehensive testing and remediation of PCB contamination at PS 199," said State Senator Thomas Duane. "The EPA heard our call and since then, actions taken by the City under the strict oversight of the EPA have dramatically reduced contamination levels at P.S. 199 and four other schools. However, as Congressman Nadler and other members of the New York City delegation have noted, these actions have not gone far enough. Contamination remains at three of the schools that have already been cleaned and hundreds of other potentially-contaminated schools have yet to even be tested. We must ensure that children throughout our City schools are learning in a safe environment."

"Both as partners with community and parents' groups and as leaders of the legal effort to rid our classrooms of these dangerous toxins, we are grateful for the political leadership shown again today by members of the city's congressional delegation," said Miranda Massie, director of litigation at New York Lawyers for the Public Interest. "The NYC Department of Education and Environmental Protection Agency must respond to these calls for bold action."

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Delegation letter follows:

October 7, 2010

Judith Enck

Regional Administrator

United States Environmental Protection Agency

Region 2

290 Broadway

New York, NY 10007

Dear Administrator Enck:

We write on behalf of hundreds, and potentially thousands, of parents and their children, who attend New York City Public Schools, to ask that the United States Environmental Protection Agency (EPA) immediately expand its oversight over the proper management of polychlorinated biphenyls (PCBs) in the New York City Public Schools to ensure that testing and remediation of all potential PCB sources in schools is carried out quickly and effectively.

This process will require the immediate evaluation of New York City schools that may be contaminated with PCBs. We believe it is necessary for the EPA to assume primary responsibility and oversight on this issue to ensure that all potentially affected schools are tested, that appropriate and immediate action is taken to reduce elevated levels of PCBs, and that there is ongoing monitoring in schools where PCB contamination is found.

On January 19, 2010, the EPA entered into a consent agreement with the City of New York (the City) to implement the City's "Work Plan to Address PCB Caulk in New York City School Buildings." This consent agreement was entered into to formalize the City's work plan to study and remediate the non-encapsulated, PCB-containing caulk present in many New York City public schools under EPA oversight. The consent agreement included an initial pilot study phase to determine the most effective strategies for assessing and reducing potential exposure to the PCBs contained in PCB caulk.

When three of the five schools in the pilot study group were tested, PCB air levels in certain areas of the tested schools was significantly above the EPA recommended levels, even in schools where the PCB containing caulk had been remediated. The levels reported in the three tested schools were nearly fifty times the EPA recommended levels in P.S. 309 in Brooklyn, and over seven times the recommended level in P.S. 199 in Manhattan, despite the fact that this school had already undergone caulk remediation. At this point, the source of these high PCB levels, in addition to caulk, is now considered by the New York City Department of Education (DOE) to be PCB-containing light ballasts, manufactured prior to 1978, in place in these, and many other, New York City Schools. The EPA has clearly identified pre-1978 containing light fixtures as a potential source of PCBs, and has developed protocols for remediating these light fixtures.

While DOE acted rapidly and appropriately to address the PCB levels in the pilot study schools, and we appreciate the progress they made, we are concerned that these results indicate that the problem of PCBs in New York City schools is more severe than previously contemplated. Additionally, we are concerned that DOE has not yet taken action to begin testing and remediating other potentially affected schools for this serious health threat. Experts in the NYC community estimate that approximately 700 schools throughout the city could be contaminated with PCBs, because they were constructed between 1960 and 1978 using building materials and fixtures that likely contain PCBs. Resolving this problem will require extensive testing and remediation across the city in a manner approved by the EPA and using facilities and services approved by the EPA.

Therefore, we request that the EPA immediately take primary responsibility over the PCB testing and remediation of the NYC public schools pursuant to the January 19, 2010 consent agreement, and to the EPA's authority under the Toxic Substances Control Act (TSCA), and any other applicable federal laws and regulations,

We ask that the consent agreement be expanded to include EPA oversight over the remediation of sources of PCBs beyond caulk, including light fixtures, ventilation systems and any other potential sources for PCBs that the EPA has identified. While the City may carry out the testing and remediation, we believe that these steps must be taken under careful oversight by the EPA. It is critical that the EPA bring its expertise and experience to ensuring that the City tests and remediates all potential sources of PCBs in the schools as soon as possible, and develops a plan that ensures that the environmental quality in the schools is maintained through regular monitoring and remediation, in accordance with all EPA regulations and guidance.

Thank you for your attention to this matter and we look forward to your response.

Sincerely,

Rep. Jerrold Nadler

Rep. Jose Serrano

Rep. Joseph Crowley

Rep. Eliot Engel

Rep. Charles Rangel

Rep. Carolyn Maloney

Rep. Nydia Velazquez

Rep. Gary Ackerman

Rep. Edolphus Towns

Rep. Anthony Weiner

Rep. Michael McMahon

Rep. Gregory Meeks

Rep. Yvette Clarke

